



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 4

Meeting Date: November 23, 2020

Submitted to: Honorable Chair and Planning Commissioners

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: Municipal Code – Application Procedures

Recommended Action: Conduct the public hearing, receive public comment, and adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

Summary: The Lemon Grove Municipal Code (LGMC) includes application and hearing procedures for appeal hearings in Title 1 (General Provisions) and Title 17 (Zoning). The purpose of this item is to add additional appeal hearing procedures in Title 17 (Zoning) in order to be consistent with Title 1 (General Provisions).

Discussion: Section 1.24.100 of the LGMC includes hearing procedures related to appeals for administrative citation and fines. Section 1.24.1010.D describes the authority of the hearing officer and indicates that the hearing officer may, “...limit the total length of the hearing to one hour, and shall allow the responsible party at least as much time to present its case as is allowed the city.”

Section 17.28.020 of the LGMC establishes procedures for submitting and processing applications. Section 17.28.020.I addresses appeals of decisions made during administration of Title 17, which are similar to the appeals of decision related to administrative citations and fines, but this section does not include limitations to the total length of the hearing or the rights of the appellant to have at least as much time to present its case as is allowed the city.

The purpose of this item is to add language to Section 17.28.020.I in order to establish a consistent approach to these types of appeal hearings. This amendment to the Zoning Ordinance requires a recommendation from the Planning Commission prior to a hearing at with the City Council which will make a final decision on the proposed amendment.

Environmental Review:☒ Not subject to review☐ Negative Declaration☐ Categorically Exempt☐ Mitigated Negative Declaration

The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment. The recommended action will clarify application procedures for City Council meetings and will not have an effect on the environment.

Fiscal Impact: N/A

Public Notification: Published legal notice of the public hearing in the newspaper of record on November 13, 2020.

Staff Recommendation: Conduct the public hearing, receive public comment, and adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

Attachment:

Attachment A – Draft Ordinance

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO SECTION 17.28.020.I OF TITLE 17 (ZONING) OF THE LEMON GROVE MUNICIPAL CODE

***WHEREAS**, the City of Lemon Grove adopted procedures for appeal hearings in Title 1 (General Provisions) that apply to appeal hearings for administrative citations and fines; and*

***WHEREAS**, Section 1.24.1010.D describes the authority of the hearing officer and indicates that the hearing officer may, “...limit the total length of the hearing to one hour, and shall allow the responsible party at least as much time to present its case as is allowed the city.”; and*

***WHEREAS**, the City of Lemon Grove also adopted application procedures as part of Title 17 (Zoning Ordinance) to establish the roles and responsibilities of those empowered and directed to provide application and permit review, render decisions, issue permits, and hear appeals for matters subject to Zoning Ordinance; and*

***WHEREAS**, Section 17.28.020.I includes appeal hearing procedures, but does not include limitations to the total length of the hearing or the rights of the appellant to have at least as much time to present its case as is allowed the city; and*

***WHEREAS**, an amendment to Section 17.28.020.I will create a uniform appeal hearing length and confirm the rights of the appellant to have at least as much time to present its case as is allowed the city; and*

***NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemon Grove, California hereby:*

1. Recommends City Council approval of an amendment to the Lemon Grove Municipal Code, Chapter 17, pertaining to application procedures as shown in Exhibit A

PASSED AND ADOPTED on _____, 2020, the Planning Commission of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert “Bob” Bailey, Chair

Attest:

Lydia Romero, City Manger

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE: Text proposed to be added is displayed in **bold underlined italicized** type. No text is proposed to be removed.

Chapter 17.28 PROCEDURE AND ADMINISTRATION

17.28.020 Application procedures

- I. Appeals. Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other application decision made in the administration of this title may appeal the decision. Decisions made by the development services director are appealed to the city council. Decisions made by the city council are final.

Appeal applications, accompanied by the filing fee, shall be filed within ten days following the date a decision is made, on forms provided by the development services department. Appeals of development services director decisions shall be submitted to the city clerk. Appeals will be heard at a public hearing that has been noticed according to subsection F and conducted according to subsection G. Failure of the appellate body to make a decision according to subsection H shall be deemed in agreement with the previous decision.

All rights of appeal are exhausted when the proceedings set forth herein have been completed. An applicant shall not apply for the same or similar use affecting all or part of the property within twelve months of the effective date of the decision of denial, or as otherwise specified at the time of the decision of denial.

The total length of an appeal hearing shall be one hour. The appellant shall be allowed at least as much time to present its case as is allowed the city.